

Serial No. 10/527,513

-4-

REMARKS

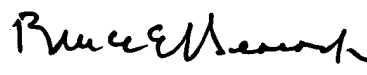
Claims 1-13 have been canceled without prejudice pursuant to the Examiner's Requirement for Restriction. Applicants reserve all right to file continuing and divisional applications to cover the subject matter originally set forth in the now canceled claims.

Claims 14-20 remain in the application and are rejected on art based grounds over Yoshimura '162 in view of Miyanaga et al. '917. In this regard, a Declaration Under 37 CFR §1.131 of Dr. David B. Smathers is attached to establish invention of the solicited claims prior to the effective date of the primary '162 reference relied upon by the Examiner. Accordingly, it is submitted that this art based rejection should be withdrawn.

Additionally, the Examiner's attention is directed to the Declaration under 37 CFR §1.56 submitted by Dr. Smathers to discuss the facts pertaining to the development of the present invention so that the Examiner may determine if they are "material" to examination of this application. The Examiner is invited to contact the undersigns attorney if, during the course of reconsideration of this application, any question or comment should arise.

Respectfully submitted,

WEGMAN, HESSLER & VANDERBURG

By 
Bruce E. Peacock
Reg. No. 28,457

Suite 200
6055 Rockside Woods Boulevard
Cleveland, Ohio 44131
216.642.3342

June 23, 2008